



City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, January 14, 2009

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 7:05 p.m.

INVOCATION:

Mayor Dunaway called upon Council member Rev. Anthony Coleman to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Kim Gresh, Co-Chair for the 175th Celebration Steering Committee, to lead the pledge of allegiance.

PRESENTATIONS:

20090063 Swearing in of new police officers

Swearing in of new police officers for the Marietta Police Department:

Michael Braxton

Brian Vaughn

Ralph Woolfolk

Darrius Felder

Ryan Hoffman

William Garnigan

This matter was Oath Administered.

20090024 2007-08 Weed and Seed Report

Presentation by Weed and Seed Coordinator, Daneea Badio for the Franklin Road Weed and Seed Program 2007-08.

This matter was Presented.

PROCLAMATIONS:**20090068 City of Marietta's 175th Anniversary Celebration**

Proclamation to the citizens of Marietta in honor of the City's 175th Anniversary.

This matter was Read.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:

-under Mayor's Appointments: All agenda items should have the expiration date of January 4, 2010. Agenda item 20090005 should be moved under the City Council Appointments.

-under City Council Appointments: Agenda item 20090049 was removed from the agenda.

-under Economic Development: Agenda item 20081377 should read, "FY2009-2010 Fund Work Plan".

-under Other Business: Agenda item 20090035 was removed from the BLW Actions.

A motion was made by Council member Walquist, seconded by Council member King, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

Council member King made a point of order regarding the public hearing.

Mayor Dunaway opened the public hearing for items on the consent requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed. Mayor Dunaway called for another vote on the consent agenda.

The motion was made by Council member Walquist, seconded by Council member King, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

-Council members Goldstein and Lewis opposed to agenda items 20081498 and 20081377

-Council member Goldstein abstaining to agenda item 20090007

-Council member Goldstein opposed to agenda items 20090037 and 20090039

MINUTES:

*** 20090002 Regular Meeting - December 10, 2008**

Review and approval of the December 10, 2008 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

MAYOR'S APPOINTMENTS:

* **20090037** **Mayor Pro tem**

Appointment of James W. King as the Mayor Pro tem for a term of one year expiring on January 8, 2010.

Motion to approve with the term expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0

Approved

Vote Against: Philip M. Goldstein

* 20090038 Presiding Officer

Appointment of Irvan Alan (Van) Pearlberg as the Presiding Officer for a term of one year expiring on January 8, 2010.

Motion to approve with the term expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090039 BLW Council Representative**

Reappointment of James W. King as the council representative on the Board of Lights and Water (BLW) for a term of one year expiring on January 8, 2010.

Motion to approve with the term expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0

Approved

Vote Against: Philip M. Goldstein

* **20090040 Economic/Community Development Committee**

Appointment of Griffin Lee Chalfant, Jr., as the chairperson, Holly M. Walquist and Philip M. Goldstein, to the Economic/Community Development Committee for a term of one year expiring on January 8, 2010.

Motion to approve with the terms expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090041 Finance/Investments Committee**

Appointment of Annette Paige Lewis, as the chairperson, James W. King and Anthony C. Coleman to the Finance/Investments Committee for a term of one year expiring on January 8, 2010.

Motion to approve with the terms expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090042 Judicial/Legislative Committee**

Appointment of Philip M. Goldstein, as the chairperson, Irvan Alan Pearlberg and James W. King to the Judicial/Legislative Committee for a term of one year expiring on January 8, 2010.

Motion to approve with the terms expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090043 Parks, Recreation & Tourism Committee**

Appointment of Holly M. Walquist, as the chairperson, Anthony C. Coleman and Annette Paige Lewis to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 8, 2010.

Motion to approve with the terms expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090044 Personnel/Insurance Committee**

Appointment of Irvan Alan Pearlberg, as the chairperson, Griffin Lee Chalfant,

Jr. and Annette Paige Lewis to the Personnel/Insurance Committee for a term of one year expiring on January 8, 2010.

Motion to approve with the terms expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090045 Public Safety Committee**

Appointment of Anthony C. Coleman, as the chairperson, Irvan Alan Pearlberg and Holly M. Walquist to the Public Safety Committee for a term of one year expiring on January 8, 2010.

Motion to approve with the terms expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090046 Public Works Committee**

Appointment of James W. King, as the chairperson, Griffin Lee Chalfant, Jr., and Philip M. Goldstein to the Public Works Committee for a term of one year expiring on January 9, 2009.

Motion to approve with the terms expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090047 Marietta Housing Authority Council Liaison**

Appointment of Anthony C. Coleman as the council liaison to the Marietta Housing Authority for a term of one year expiring on January 8, 2010.

Motion to approve with the term expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090048 Marietta Board of Education Council Liaison**

Appointment of Annette Paige Lewis as the council liaison to the Marietta Board of Education for a one-year term expiring on January 8, 2010.

Motion to approve with the term expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

CITY COUNCIL APPOINTMENTS:

* **20081416 Americans with Disabilities Advisory (ADA) Board**

Appointment of Jason Bourne to the Americans with Disabilities Advisory (ADA) Board (Post 6) for a term of 3-years beginning January 1, 2009 and expiring December 31, 2011.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20090049 Planning Commission Appointment

Appointment to the Marietta Planning Commission (Ward 7) for a term of three years expiring on January 14, 2012.

This matter was Removed.

* **20090005 Cobb Housing, Inc.**

Appointment of Holly Marie Walquist to to the Cobb Housing, Inc. (CHI) Board of Directors for a one year term expiring on January 13, 2010.

Motion to approve with the term expiring on January 4, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ORDINANCES:

20081302 Z2008-15 RG Investments, LLC, 611 Tower Road

Ord 7281 Z2008-15 [REZONING] RG INVESTMENTS, LLC request rezoning for property located in Land Lot 10760, 16th District, Parcel 1230, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Tower Road from R-3 (Single Family Residential 3 units/acre) to OI (Office Institutional). Ward 4.

Mayor Dunaway opened the public hearing. City Attorney Douglas Haynie explained the rules of order and swore in those wishing to speak.

Kevin Moore, attorney for the applicant, requested rezoning for the subject property located at 611 Tower Road from R-3 (Single Family Residential 3 units/acre) to OI (Office Institutional) for the use as a medical office building. During the presentation, Mr. Moore referred to the Letter of Stipulations dated December 1, 2008 and January 13, 2009. Mr. Moore also mentioned the request to reduce the greenbelt buffer between the subject property and the adjacent church from 30 feet to 15 feet.

Discussion was held regarding the traffic conditions on Tower Road and the inter parcel access between the subject property and the adjacent church. Mr. Moore agreed to amend item 4 of the Letter of Stipulations dated December 1,

2008, which would read, "Applicant agrees to provide a permanent and perpetual inter parcel access to adjoining property now or formerly owned by Back to the Bible Church, Inc., which shall be filed with the deed record with at Superior Court prior the Land Disturbance Permit being issued.

Mayor Dunaway closed the public hearing.

City Attorney Douglas Haynie suggested that the public hearing for agenda item 20081317 be heard prior to taking any action regarding this matter.

20081317**Z2008-16 Back to the Bible 601, 413, 421 and 417 Tower Road**

Z2008-16 [SLUP] BACK TO THE BIBLE request Special Land Use Permit (for place of worship with accessory school) for property located in Land Lot 1076, 16th District, Parcels 0720, 0700, 1170 and 0710, 2nd Section, Marietta, Cobb County, Georgia and being known as 601, 413, 421 and 417 Tower Road and being zoned R-3. Ward 4.

A motion was made by Council member Pearlberg to disqualify Council member Goldstein from voting on agenda item 20081317 regarding Back to the Bible Church, citing that a letter dated December 16, 2008 letter from Council member Goldstein was impartial towards the applicant. Council member Coleman seconded the motion.

City Attorney Doug Haynie provided his opinion stating that the motion would be out of order since a Council member's right to vote on a matter can only be denied by a Superior Court Judge.

Comments were made by Council member Goldstein.

Mayor Dunaway ruled the motion out of order.

Mayor Dunaway opened the public hearing and City Attorney Douglas Haynie swore in those wishing to speak.

Richard Calhoun, representing Back to the Bible Church, requested a Special Land Use Permit (for place of worship with accessory school) for property located at 601, 413, 421 and 417 Tower Road and being zoned R-3. Mr. Calhoun stated that there were no plans to expand or make any changes to the existing footprint of the church. He mentioned several variances being requested, which included: a children's play area in existing grass area between the existing church building and Tower road, with a fence along Tower Road; a basketball court in existing grass area adjoining rear parking lot, with a fence between these areas and creek; to allow the existing steeple to remain at present 87 foot in height. Mr. Calhoun further stipulated that the subject property shall provide a police officer to direct traffic for Friday services between 1:00 p.m. and 3:00 p.m. and further, neither the applicant nor owner shall develop, or seek to develop, the area of the property south of the creek for a period of at least 5 years.

In depth discussion was held regarding the request for a Special Land Use Permit.

City Attorney Doug Haynie disclosed that the President of The Oaks Homeowners Association, Mrs. Nancy White, is the mother of one of his employees. Mr. Calhoun stated that he had no objection to that fact.

*Residents speaking regarding this matter:
Nancy White, who resides at 641 Oakledge Drive*

Mayor Dunaway closed the public hearing.

Mayor Dunaway suspended action on agenda items 20081302 and 20081317 to move forward agenda item 20090030, BLW Actions.

20090030 BLW Actions of January 12, 2009

Review and approval of the January 12, 2009 actions and minutes of the Marietta Board of Lights and Water Works. (BLW)

Motion to approve the January 12, 2009 actions and minutes of the Marietta Board of Lights and Water Works (BLW), with the exception of agenda item 20090035.

The motion was made by Council member King, seconded by Council member Walquist, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 5 - 2 - 0

Approved as Amended

Vote Against: Philip M. Goldstein and Rev. Anthony Coleman

20081317 Z2008-16 Back to the Bible 601, 413, 421 and 417 Tower Road

Z2008-16 [SLUP] BACK TO THE BIBLE request Special Land Use Permit (for place of worship with accessory school) for property located in Land Lot 1076, 16th District, Parcels 0720, 0700, 1170 and 0710, 2nd Section, Marietta, Cobb County, Georgia and being known as 601, 413, 421 and 417 Tower Road and being zoned R-3. Ward 4.

Mayor Dunaway called for a motion to enter Executive Session.

A motion was made in open session by Council member King, seconded by Council member Goldstein, to enter the Executive Session for legal matters. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

For: Annette Paige Lewis, Grif Chalfant, Holly Marie Walquist, Van Pearlberg, Rev. Anthony Coleman, James W. King, and Philip M. Goldstein

The Executive Session was held (the Chairman's affidavit is attached hereto as Attachment A).

A motion was made in open session by Council King, seconded by Council member Pearlberg, to close the Executive Session. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

For: Annette Paige Lewis, Grif Chalfant, Holly Marie Walquist, Van Pearlberg, Rev. Anthony Coleman, James W. King, and Philip M. Goldstein

Mayor Dunaway called for a motion regarding agenda item 20081302.

A motion was made by Council member Pearlberg, seconded by Council member Goldstein, to approve the request rezoning for property located at 611 Tower Road from R-3 (Single Family Residential 3 units/acre) to OI (Office Institutional), with the following stipulations:

- 1) Letter of Stipulations from J. Kevin Moore to Russell J. Roth, AICP, dated December 1, 2008.*
- 2) Letter of Stipulation from J. Kevin Moore to Russell J. Roth, AICP, dated January 13, 2009.*

The motion carried by the following vote:

Vote: 6 - 1 - 0

Approved

Voting Against: Holly Walquist

Mayor Dunaway called for a motion regarding agenda item 20081317.

A motion was made by Council member Pearlberg, seconded by Council member Walquist, to deny the request Special Land Use Permit.

A substitute motion was made by Council member Chalfant, seconded by Council member King, to deny the request Special Land Use Permit for property located at 601, 413, 421 and 417 Tower Road and being zoned R-3; however, the following variances and stipulations would be granted:

- 1) Variance to reduce the required 75 foot setback to 48 feet along the front property line.*
- 2) Variance to allow more than 12 parking spaces in a row without a planter island.*
- 3) Variance to exempt the 10 foot planted border area along Tower Road from the required tree plantings listed in TABLE G.*
- 4) Variance to reduce the required number of parking spaces to 147. TABLE J*
- 5) Variance to allow a chain link fence to front a public/private street.*
- 6) Variance to allow existing steeple to remain at present 87 foot height.*
- 7) Variance to allow the children's play area in existing grass area between the existing church building and Tower road, with a fence along Tower Road, specific to the approximate location shown on the plan submitted.*
- 8) Variance to allow the 60'x90' basketball court in existing grass area adjoining rear parking lot, with a fence between these areas and creek, specific to the approximate location shown on the plan submitted.*

9) *Stipulation that the neither the applicant nor owner shall develop, or seek to develop, the area of the property south of the creek for a period of at least 5 years, and in no event without a "site plan specific" amendment to any land use permit which might be granted.*

10) *Stipulation that the subject property shall provide a police officer to direct traffic for Friday services between 1:00 p.m. and 3:00 p.m., subject to the approval of the Marietta Police Department and Public Works Department.*

The motion carried by the following vote:

Vote: 5 - 2 - 0

Approved as Amended

Voting Against: Holly Walquist and Van Pearlberg

Discussion was held regarding stipulations for agenda item 20081302, 611 Tower Road.

A motion was made by Council member Lewis, seconded by Council member Goldstein, to rescind agenda item 20081302 to add a stipulation. The motion carried by the following vote:

Vote: 5 - 1 - 0

Approved

Voting Against: Grif Chalfant

Absent for the vote: James W. King

A motion was made by Council member Goldstein, seconded by Council member Coleman, to approve the request rezoning for property located at 611 Tower Road from R-3 (Single Family Residential 3 units/acre) to OI (Office Institutional), with the following stipulations:

1) Letter of Stipulations from J. Kevin Moore to Russell J. Roth, AICP, dated December 1, 2008.

2) Item 4 of the Letter of Stipulations dated December 1, 2008 shall be amended to read, "Applicant agrees to provide a permanent and perpetual inter parcel access to adjoining property now or formerly owned by Back to the Bible Church, Inc., which shall be filed with the deed recorded with at Superior Court prior the Land Disturbance Permit being issued.

3) Letter of Stipulation from J. Kevin Moore to Russell J. Roth, AICP, dated January 13, 2009.

The motion carried by the following vote:

Vote: 5 - 1 - 0

Approved

Voting Against: Holly Walquist

Absent for the vote: James W. King

20081360 Code Enforcement - 180 Powers Ferry Road*Ord 7282*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 180 Powers Ferry Road.

Listed Owner: Bradford Frank

1st Certified mail receipt received 10/27/08.

2nd Certified mail receipt; Mr. Bradford, owner, refused to sign 11/24/08.

3rd Certified mail receipt received 01/05/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Mayor Dunaway opened the public hearing regarding this matter and City Attorney Doug Haynie swore in those wishing to speak.

City Attorney Doug Haynie confirmed with Mr. Bradford that he opposed adoption of the ordinance and that he desired a hearing.

Mr. Haynie asked Bill Bruton, City Manager, to present the case for the City. Mr. Bruton called upon Brian Binzer, Development Services Director, Garry Thomas, Code Enforcement Manager and Clyde Kiess, Code Enforcement Officer, to present their case.

Mr. Bradford was given the opportunity to cross examine Mr. Kiess regarding his testimony and to present his defense. Questions were then asked and comments made by Council.

Mayor Dunaway closed the public hearing.

Motion to approve an ordinance authorizing staff to remove overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property at 180 Powers Ferry Road fifteen (15) days after approval of this ordinance.

The motion was made by Council member Walquist, seconded by Council member Goldstein, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 4 - 1 - 0

Approved as Stipulated

Vote Against: Van Pearlberg

Absent for the vote: Rev. Anthony Coleman and James W. King

*

20090007 Code Enforcement - 430 Wellons Drive*Ord 7283*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 420 Wellons Street.

Listed Owner: Milton A. Hutchins & Henry Hutchins & Thomas L. Stone, Sr.
Certified mail receipt received 12/18/08; signature not legible.
Taxes: Unpaid, in the amount of \$67.36
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstainig

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: Philip M. Goldstein

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

- * **20081289 Section 8 Administrative Plan**
- Resolution approving the Housing Choice Voucher (HCV) Administrative Plan revisions.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 - 0 Approved**
-
- * **20081498 MRC Development Agreement**
- Motion approving revisions to the Development and Management Agreement between the City of Marietta and the Marietta Redevelopment Corporation.
- This Matter was Approved on the Consent Agenda.**
- Vote: 5 - 2 - 0 Approved**
- Vote Against: 2 - Philip M. Goldstein and Annette Lewis
-
- * **20081377 FY2009 Fund Work Plan**
- Motion to approve the Marietta Redevelopment Corporation FY2009 Work Plan for the Marietta Fund for Neighborhood and Community Revitalization.
- Motion to approve the Marietta Redevelopment Corporation FY 2009 - 2010 Work Plan for the Marietta Fund for Neighborhood and Community Revitalization.*
- This Matter was Approved on the Consent Agenda.**
- Vote: 5 - 2 - 0 Approved as Amended**
- Vote Against: 2 - Philip M. Goldstein and Annette Lewis

2. Finance/Investment: Annette Lewis, Chairperson

- * **20081504 Marietta Fire Donation**
Ord 7284 Ordinance to receive and appropriate a \$2000 donation from Wal-Mart for fire prevention programs

 This Matter was Approved on the Consent Agenda.

 Vote: 7 - 0 - 0 Approved
- * **20081538 Contribution from Marietta X-Ray**
Ord 7285 Ordinance to receive and appropriate a \$17,087 contribution from Marietta X-Ray for the Tree Replacement Fund

 This Matter was Approved on the Consent Agenda.

 Vote: 7 - 0 - 0 Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * **20081382 November 3, 2009 General Election**
Ord 7286 Ordinance to provide for the establishment of qualifying fees for the office of Mayor and the office of Council for the city of Marietta, Georgia and to provide for the opening and closing dates for filing notice of candidacy by candidates.

 This Matter was Approved on the Consent Agenda.

 Vote: 7 - 0 - 0 Approved
- * **20081545 Quitclaim Deed**
 Motion to approve a Quitclaim Deed from City of Marietta to First Landmark Bank for property located at 321 Cole Street, a rectangle piece of land approximately 3200 square foot in size, which was inadvertently omitted from the legal description at the closing to First Landmark Bank. The documents are subject to the final approval of the city manager and the city attorney.

 Councilmember Goldstein disclosed that the First Landmark Bank leases parking spaces at 48 Atlanta Street and is a subtenant in an adjacent building.

 This Matter was Approved on the Consent Agenda.

 Vote: 7 - 0 - 0 Approved

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

- * **20081532 2009 Street Closure Requests**
 Motion to approve street closures for 2009 special events; and, city sanctioning of the 97.1 Wing and Rock event in accordance with City Code 10-4-070.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

5. Personnel/Insurance: Van Pearlberg, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

*** 20081544 Request for crosswalk**

Motion to approve request by Zion Baptist Church for a standard size crosswalk to be added on Lemon Street to the east side of Waddell Street.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

*** 20090070 Pension Board Contracts**

Approval of Pension Board Contracts, subject to the final approval of the City Manager and City Attorney.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090006 Cobb Municipal Association 2009 Delegates**

Motion to appoint Council member Philip M. Goldstein and Council member Grif Chalfant as 2009 voting delegates for the Cobb Municipal Association (CMA) business meetings.

This Matter was Discussed on the Consent Agenda.

Vote: 7 - 0 - 0

Discussed

*** 20090076 1017 Roswell Street and 9 South Cobb Drive**

Motion to authorize the acquisition of property owned by Raymond O. Boyd on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ADJOURNMENT:

The meeting was adjourned at 10:30 p.m.

Date Approved: 02/11/09

William B. Dunaway, Mayor

Attest: _____
Stephanie Guy, City Clerk